

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL GRIFFITH AND DETRICK  
CURTIS CONERLY,

Plaintiff,

v.

PARAN, LLP,

Defendant.

No. 2:21-cv-1314-JAM-CKD PS

FINDINGS AND RECOMMENDATIONS

Plaintiff Detrick Curtis Conerly proceeds pro se in this action seeking to enforce a foreign judgment.<sup>1</sup> This matter was referred to the undersigned by Local Rule 302(c)(21) pursuant to 28 U.S.C. § 636(b).

By order signed on September 9, 2021 (ECF No. 3), the undersigned screened the complaint pursuant to 28 U.S.C. § 1915(e), advised plaintiff of the deficiencies in the complaint, and recommended the complaint be dismissed without leave to amend for failure to state a claim and failure to set forth a basis for the court's jurisdiction under 28 U.S.C. § 1331. (ECF No. 6.)

Plaintiff Conerly objected to the September 9, 2021 findings and recommendations, noting the complaint asserted diversity of citizenship under 28 U.S.C. § 1332 as its jurisdictional basis.

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<sup>1</sup> Plaintiff Michael Griffith did not sign the complaint and cannot be represented by plaintiff Conerly. See Simon v. Hartford Life, Inc., 546 F.3d 661, 664-65 (9th Cir. 2008).

(ECF No. 5.) Based on plaintiff's objections, on September 28, 2021, the undersigned vacated the September 9, 2021 recommendation to dismiss the complaint without leave to amend. (ECF No. 6.)

Also in the September 28, 2021 order, the undersigned determined the complaint was still subject to dismissal for failure to state a cognizable claim for relief. Plaintiff Conerly was again advised of the deficiencies in the complaint and was granted thirty days to file an amended complaint. Plaintiff Conerly was warned that failure to file an amended complaint would result in a recommendation that this action be dismissed. The time granted for plaintiff to file an amended complaint has expired and plaintiff has neither filed an amended complaint nor sought an extension of time to do so.

Based on the foregoing, IT IS RECOMMENDED:

1. This action be dismissed for failure to state a claim and failure to prosecute. See Fed. R. Civ. P. 41(b); and
2. The Clerk of the Court be directed to close this case.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, plaintiff may file written objections with the court and serve a copy on all parties. Such a document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file objections within the specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

Dated: November 12, 2021

  
CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE

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